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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 001538

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TAGS: PGOV PHUM KDEM KJUS TH

SUBJECT: THAI RAK THAI LEADER WORRIED ABOUT THE FUTURE

REF: A. BANGKOK 1249 (CHATURON AT FCCT)

- 1B. BANGKOK 1187 (WINAI LUNCH)
- 1C. BANGKOK 1036 (SOMKID RESIGNS)
- 1D. BANGKOK 1034 (CHATURON DEFIES RESTRICTIONS)
- 1E. 06 BANGKOK 6474 (CHATURON REPOSITIONING TRT)
- 1F. 06 BANGKOK 6366 (CHATURON MEETS AMBASSADOR)

Classified By: Ambassador Ralph L. Boyce, reason: 1.4 (b) and (d).

SUMMARY

11. (C) Thai Rak Thai (TRT) Party Leader Chaturon Chaiseng fears the coup leaders will not allow a free election if that would result in a TRT victory. In a March 13 meeting at the Ambassador's residence, Chaturon said the Army's own polling showed high popular support for TRT; TRT's continuing popularity made many leading officials reluctant to leave the party. The Constitutional Tribunal had no legal grounds to dissolve TRT, and if the Tribunal were to do so, TRT figures would fight for their right to form a new party with the TRT name. Protests against the authorities could grow, although this was not TRT's preference; some demonstrations not directly associated with TRT were planned for the weekend of March 17-18. Chaturon claimed the authorities fully intended to prosecute him for undertaking political activities in the Northeast, but they had no grounds to do so. End Summary.

CONCERNED ABOUT TRIBUNAL, ELECTION

12. (C) In a March 13 meeting at the Ambassador's residence, TRT Party Leader Chaturon Chaiseng expressed uncertainty about how the Constitutional Tribunal would decide the pending case involving alleged undemocratic acts by TRT in early 2006. Chaturon told the Ambassador none of the evidence presented at the Tribunal's proceedings -- principally statements by witnesses -- implicated TRT in illegal acts. Many witnesses previously claimed TRT hired smaller parties in order to provide straw man competition in the April 2006 election; in the current proceedings, these witnesses claimed that the Democrat Party had pressured them into making false allegations.

13. (C) Chaturon pointedly emphasized the Tribunal did not function as a Court, its members did not have royal appointments, and, irrespective of their other positions or qualifications, they did not function as judges when in their Tribunal capacity. Furthermore, the Tribunal had no legal

grounds for imposing sanctions on TRT, because the coup leaders had abolished the 1997 Constitution and the organic laws that had provided for legal proceedings in the pre-coup era. It would be unfair to retroactively apply the very stiff penalty -- a five-year ban on political activities for executive board members of dissolved parties -- decreed by the Generals after the coup. Even the weaker sanctions in the Law on Political Parties could not justly be applied against TRT, because the law had been scrapped for two days after the coup, until reinstated by the Generals. The fact that the current law was abolished and then reinstated meant that application of its provisions to early 2006 alleged infractions were technically retroactive. Chaturon said he had consulted legal experts from the European Union, who agreed with his view.

¶4. (C) Tribunal officials appeared to be independent-minded persons, rather than lackeys of the Generals, Chaturon said (consistent with his view expressed in October -- ref F). They would not be quick to follow anyone's instructions, and Chaturon assessed they likely would make a fair decision unless placed under substantial pressure. Nevertheless, he worried that leading Generals had exerted undue influence by publicly predicting TRT's dissolution, and he worried they might go so far as to order that the Tribunal impose this sanction. (Note: General Winai Phattiyakul, one of the most influential Generals on the Council for National Security (CNS), privately predicted to the Ambassador that TRT would be dissolved -- ref B. End Note.)

¶5. (C) Chaturon believed the Tribunal might dissolve TRT but allow the party to reincarnate itself, even using the Thai Rak Thai name. In a worse-case scenario, however, the Tribunal might dissolve TRT, forbid the formation of a new

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TRT, and ban former TRT Executive Board members from political activities for five years. In the event of a prejudicial ruling by the Tribunal, TRT would focus all its energies on demanding the right to register a new party as soon as possible and compete in a fair election. Denying TRT this right would be "terrible," Chaturon said, depriving the party's 14 million members from the type of political participation they desired. Popular frustration could lead to rallies, demonstrations, and even possibly "chaos," although TRT would maintain its non-confrontational, non-violent stance. Chaturon said he was aware of protests planned for the weekend of March 17-18, at the Royal Grounds and at Privy Council President Prem Tinsulanonda's residence.

He said warily that TRT was "trying to avoid involvement" in these protests, implying the demonstrators' agenda was not constructive.

OUTLOOK FOR ELECTIONS

¶6. (C) Chaturon worried that the CNS would feel compelled to coerce the Tribunal into dissolving TRT because TRT remained overwhelmingly popular in its strongholds. The Army had conducted opinion polling that showed over 90 percent of the people in the Northeast favored TRT. In the North, TRT maintained over 80 percent support, while TRT polled at 70-75 percent in Central Thailand. Even in Bangkok, TRT was more popular than its rivals, according to published figures from reputable polling institute ABAC. Chaturon said the CNS -- and specifically General Saprang Kalayanamitr -- would not tolerate a TRT victory.

¶7. (C) Many important figures in TRT were aware of the Army's unpublished polling results, Chaturon said, and they therefore were reluctant to abandon the party, fearing they would lose in later elections. Chaturon asserted, as he often has before, that TRT re-made Thai politics by convincing Thais they could and should cast their votes based on parties and policies, rather than personalities. Vote-buying was no longer as effective as it had been in the

past, Chaturon said, citing the electoral defeats of some wealthy figures (NFI) in pre-coup elections.

¶18. (C) TRT could garner a substantial sympathy vote, Chaturon predicted -- especially if Tribunal were to dissolve the party (but then allow it to re-form), or if the Tribunal were to appear biased by applying sanctions to TRT but not to the rival Democrat Party. Chaturon felt it possible that TRT could win a majority in the next elections. Under certain conditions, the party might even win in a landslide. TRT's margin of victory would not depend much on whether the next constitution were to provide for multi-member or single-member districts, or allow for a party list, although Chaturon expressed a preference for the system codified in the 1997 Constitution (single-member districts, with a party list.).

TRT DEFECTIONS

¶19. (C) Chaturon believed defectors from TRT were unlikely to detract meaningfully from his party's performance in the next election, provided TRT was allowed to compete. He categorized former Deputy Prime Minister Somkid Jatusripitak as relatively inexperienced, as shown by the February fiasco, when he was appointed to a government commission and resigned soon thereafter (ref C). Chaturon said Somsak Thepsuthin -- leader of the largest group of ex-TRT legislators -- had shown policy ineptitude. While TRT had reaffirmed its support for populist initiatives, Somsak recently sought to promote the raising of fighting cocks and the breeding of fighting fish. Chaturon acknowledged former Deputy Prime Minister Suwat Liptapanlop might win a cluster of seats in his home province of Nakhon Ratchasima -- but Suwat and others were unable to draw public attention to their new parties so long as the CNS maintained current restrictions on party activities (ref D). Thus, ironically, the CNS's restrictions gave TRT an advantage over many potential rivals.

¶10. (C) Many people had defected from TRT because they felt doing so might help them to win political protection from corruption investigations, Chaturon said. Others doubted TRT would survive and did not want to waste time on a lost cause.

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Chaturon related that Somsak had privately stressed to Chaturon that no Thai political party forced out of power by a coup had ever staged a comeback. Chaturon believed Somsak was wrong to disregard the extent to which TRT and its policies still commanded widespread loyalty.

CHATURON'S PROSECUTION

¶11. (C) When asked whether he thought government officials intended to prosecute him for campaign-like activities in the Northeast (ref D), Chaturon said they definitely did. The police, Election Commission (EC), and another "security organization" (NFI) had begun investigating his actions. The police had appointed a committee to work on his case, and they had submitted evidence to the EC, which was also gathering information on him from its provincial subcommittees. Chaturon reiterated his public claim that he had done nothing wrong. If arrested, he said, he would refuse to post bail, if any would be required, using his detention to highlight this injustice. Chaturon said he would discuss this matter publicly in the near future, chiding the EC for not performing its proper function, which Chaturon described as advocating for the rights of political parties. The Ambassador said detaining Chaturon would likely backfire, harming the CNS's interests. The Ambassador, without naming his interlocutor, described to Chaturon his February 26 conversation with General Winai (ref B), in which he had urged Winai to consider carefully how best to respond to Chaturon's trip to the Northeast, and to weigh the possible international repercussions.

TIES TO THAKSIN

¶12. (C) The Ambassador asked about Chaturon's ties to Thaksin. Chaturon reiterated his public statement that Thaksin deserved substantial credit for TRT's popularity (ref A), but he admitted it would be "unwise" for the party to be too closely associated with Thaksin. Chaturon said TRT would send a signal of its break from the Thaksin era by shifting its headquarters in mid-April (deliberately timing this move to come shortly before the Constitutional Tribunal's ruling) to a new, less expensive site.

CHAVALIT NOT A FACTOR

¶13. (C) Chaturon -- who formerly served as Secretary General in Chavalit Yongchaiyudh's New Aspiration Party (NAP) -- downplayed the prospects of Chavalit exercising influence in TRT circles. (After the coup, Chavalit said publicly he might take on a leading role in TRT.) A close aide of Chavalit (NFI) had informed some current TRT figures that Chavalit and former Justice Minister Chalerm Yubamrung would work together to form a party, with Chavalit as the Party Leader. (Note: Chalerm is widely seen as corrupt and nefarious; he split from the NAP when the NAP merged with TRT. End Note.) At this point, TRT had little interest in maintaining a close relationship with Chavalit.

COMMENT

¶14. (C) Chaturon is correct that TRT reshaped Thai politics in significant ways, but he may overstate the electoral prospects of the battered and hobbled version of TRT that he currently leads. After bouncing around in formal politics for two decades before unexpectedly being handed control of what had become Thailand's most powerful party, Chaturon may be prone to wishful thinking. We do, however, agree with Chaturon's assessment that serious consequences may ensue if the former top officials of TRT, and the party's grassroots supporters, feel that they are denied the opportunity to participate fully in the next election.

BOYCE